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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

(DIVISION BENCH)

CORAM : Hon'ble Shri S.R. Nayak, CJ
Hon'ble Shri D.R. Deshmukh, J.

Misc. Appeal No. 1090 OF 2005

APPELLANTS CLAIMANTS

1. Nareshi Bai
   W/o. Late Goutam Kumar, Aged about 28 years
2. Ku. Sadhana, D/o Late Goutam Jangade, Aged about 7 years.
3. Sushil Kumar, S/o. Late Goutam Jangade, Aged about 5 years
4. Tijiya Bai, W/o Late Kedar Jangade, Aged about 60 years
   (All Resident of village Dhuma, Tah. Patan, distt. Durg (CG)

Versus

RESPONDENTS

1. Murari Lal
   S/o Ratan Lal Shrivastava, aged about 52 year, R/o Beldar Para, Mahasamund, Distt. Mahasamund (CG)
2. Harnek Singh s/o H.S. Singh, Through : Mahindra Travels Bus Stand, Pandri, Distt. Raipur (CG)
3. The Oriental Insurance Company Limited, Kachahari Chowk, Raipur, Distt- Raipur (C.G.)

Present:
Mr.Vivek Rathore, learned counsel for the appellants.

ORAL ORDER
(Passed on 4th of January 2006)

The following Order of the Court was passed by

S.R. Nayak, CJ:

In this appeal, the only point urged by the learned counsel for the appellant is that while computing loss of dependency, the MACT has

taken the income of the deceased at notional rate of Rs.15,000/- per annum, whereas the income of the deceased was much more than that for he was running a pan -shop and cycle -shop in the village. Though, that was the claim put-forth before the MACT, the appellant did not adduce any evidence to substantiate that claim. In that view of the matter, we cannot take any exception to the award of MACT in taking the income of the deceased at notional rate of Rs.15,000/- per annum for assessing loss of dependency. The appeal is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

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